

# T<sup>3</sup>: Trustee Training Tips

Number 3 Volume 2

*Kentucky Department for Libraries & Archives*

Summer 2002

## DISSENSION ON THE BOARD

There is rarely ever a library trustee who does not appreciate the role the library plays in his or her community. So why is it that so many library boards have dissension among the members? Such board dissension certainly isn't limited to libraries, but is often seen in organizations that attract board members who have a passion for the organization and the role it plays in the community. And never do passions lead to more dissension than when boards are faced with difficult or controversial issues.

Instead of win-win decisions, boards are often forced to make what some view as lose-lose decisions. A trustee who cares very strongly is not going to give up without a fight. Sometimes disagreements at board meetings go beyond the issue being discussed and turn into personal issues. Hurt feelings and anger often follow the board members home. Cliques of board members sometimes evolve out of how they voted on a critical issue.

Sometimes it's the old guard versus the newer trustees, other times it might be split by where board members live, occupational backgrounds, basic philosophies or values. All of a sudden board members forget that they all care deeply about the library. The library becomes secondary to a power struggle that often doesn't benefit even one customer or one staff member. How can boards avoid such self-destruction?

The role of the board president becomes critical to not allowing the board to slide from being issue-oriented to being us-versus-them oriented. The president needs to first stay above the fray and, second, step in between board members whenever the discussion borders on personal attacks. The president needs to continually remind trustees to keep focused on the big issue—how to best serve library customers. And it doesn't hurt to remind members that while they may disagree on various issues, they all value the library.

Individual board members need to learn how to compromise to minimize the pain on all sides. All need to take responsibility for their collective decisions and not point fingers at "the trustees who caused it"—whatever "it" might be. Trustees should argue for what they believe in during the discussion of each issue, but once the vote has been taken, all need to accept ownership of that decision. All any member should ask for is to have a chance for his or her ideas to be heard. By hearing all possible sides to an issue, boards should be able to make the best decisions.

--adapted from *Rural Library Services Newsletter* and used with permission.

## USA PATRIOT ACT: WHAT TO DO BEFORE, DURING, AND AFTER A “KNOCK AT THE DOOR”

Many libraries have already seen an increase in law enforcement inquiries following the September 11<sup>th</sup> terrorists’ attacks. Law enforcement authorities have sought access to patron records, including electronic mail and other electronic communications. With passage of the USA PATRIOT Act on October 26, 2001, many new questions have been raised about how to comply with the new law and how the PATRIOT Act provisions relate to current laws governing criminal and foreign intelligence investigations as well as state and local privacy laws.

As always, the best course is to prepare before the “knock on the door.” The American Library Association provides the following guidelines for trustees and librarians to share with their staffs and local legal counsel. This is *not legal advice* but suggested guidance and direction so that local libraries can prepare themselves to do what is legal and appropriate.

### BEFORE:

#### ✓ Consult your local legal counsel

These issues are complex and absolutes that apply to every situation are rare. You will need legal experts familiar with your unique situations to help make sure that your policies and procedures are appropriate and legal.

#### ✓ Review your policies

The USA PATRIOT Act does not require libraries to make changes in policies or computer systems. However, you will want to review your policies on retention of and access to all types of information. Make decisions regarding data, logs, and records of all types—digital and paper—to be discarded and saved. Plan for service continuity in the event that computer are removed or made inoperable.

#### ✓ Train your staff

Every member of your staff, including volunteers, should understand your policies for three important reasons:

- (1) Anyone on your staff could be approached by law enforcement. Every staff member, including volunteers, should know what to do if he or she is presented with a request.
- (2) Technology has made data ubiquitous and access to it effortless. Your policy is only as good as the trained people who carry it out.
- (3) Knowledgeable staff will assure that your library is complying with all appropriate laws and protect against any institutional or personal liability.

### DURING:

#### ✓ Follow your policies

Sound policies can provide order and justification during what can be a chaotic time, but will not help if they are not understood and followed by all of the library’s employees.

#### ✓ Consult your local legal counsel

It is imperative to call on your own legal counsel when presented with a request. Legal counsel will help you respond appropriately and legally while protecting you and your staff from possible liability due to an unlawful request.

#### ✓ Document your costs

The USA PATRIOT Act provides for some reimbursement of costs when asked by law enforcement to perform certain types of assistance in data collection. Document all costs incurred.

--continued on next page

## AFTER:

### ✓ Consult your local legal counsel

Once law enforcement leaves, your responsibilities may not be over. There are different rules for sharing information with others about who is being investigated or what types of information you have provided. With whom you are allowed to speak and what you are allowed to talk about varies depending upon whether the inquiry is made under criminal or foreign intelligence investigation laws.

### ✓ Follow up

Consult with counsel; implement your policies; pursue any appropriate reimbursements. Determine whether you will have to maintain any subsequent information or records. The Washington Office of ALA is tracking the impact of this legislation, so when allowed by law and the advice of counsel, inform this office of your experiences.

So, what does all this mean for library trustees? Although all the “work” involved in complying with the USA PATRIOT Act falls to the director and staff, it is important that the Board of Trustees also understands the impact of this legislation, especially in light of the traditional role of libraries to zealously protect the privacy of patron records. The rules have changed somewhat, but as repeatedly stated above, libraries are charged with contacting legal counsel before opening wide the doors to its users reading and viewing records.

PS: Do you know what the USA PATRIOT Act stands for? The acronym is: **U**niting and **S**trengthening **A**merica by **P**roviding **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism Act of 2001—aka as Public Law 107-56.

--adapted from ALA/WO publication

## PUBLIC LIBRARY STANDARDS

**I**n April, at the KLA's Public Library Section annual conference the Kentucky Public Library Standards were unveiled and distributed to all libraries in attendance. The three-ring manuals address these eight key areas:

Governance	Services
Personnel	Facilities
Access	Technology
Collections	Marketing/PR

Standards provide a guide to excellence; they provide baseline data and establish a strong foundation from which to develop local goals and address local needs. This manual is a self-evaluation tool to use in evaluating your library's effectiveness. It works equally well as a guide to assist in planning for improved services.

While these are minimum standards, they are divided into three levels of achievement: basic; enhanced; and comprehensive. In checklist format, they provide for responses of: Yes, No, Planned, or N/A. Ask your library director for a copy.

**T<sup>3</sup>:Trustee Training Tips** is published quarterly by the Field Services Division of the Kentucky Department for Libraries and Archives. Correspondence should be addressed to the editor, Nelda Moore, at Lincoln Trail Regional Office, 201 West Dixie Avenue, Elizabethtown 42701-1533. Phone 270.766.5222; Fax 270.766.5223; e-mail: nelda.moore@kdla.net.

*Serving Kentucky's Need to Know*



An agency of the Education, Arts & Humanities Cabinet

## LIBRARY LETTERS

*Dear Marian Librarian,  
Are there limits as to how long one person can  
serve as president of the library board?*

*-- Troubled Trustee*

Dear Troubled,

No, there are no limitations on how long one can serve as an *officer* of the board. The confusion arises over the limitations for just plain being on the board. Trustees can serve 2 consecutive terms of 4 years each and then must go off the board for at least 1 full year. Filling unexpired terms does not factor into these limitations. Officers (president, secretary, etc) must be elected, or re-elected, every 2 years, but officers can continue in the same office for as long as the board continues to elect them. Your board policy should dictate when elections are held. A statement saying election of officers are held at the (month) meeting in the odd or even numbered years will suffice.

**Kentucky Department for Libraries  
and Archives  
201 West Dixie Avenue  
Elizabethtown KY 42701-1533**

## HOW MUCH DO YOU KNOW?

The following quiz will let you test your knowledge on the topics covered in this publication. The answers are under "Publications" on KDLA's web page <[www.kdla.net](http://www.kdla.net)>.

1. In an earlier edition of *T3* it said board members shouldn't always agree. Now it looks like disagreeing is undesirable. What is a good board supposed to do?
2. How do we trustees know if our director has given us a legal policy for complying—or not—with the USA PATRIOT Act?
3. The USA PATRIOT Act sounds very complicated and best left to the director. Why do we need to involve support staff with this?
4. What happens if we are in "violation" of Kentucky's new Public Library Standards?
5. Can one trustee remain president of the board for 7 years?

**ADDRESS CORRECTION REQUESTED  
PLEASE FORWARD**

## ANSWERS TO T<sup>3</sup> QUIZ:

- 1. In an earlier edition of T3 it said board members shouldn't always agree. Now it looks like disagreeing is undesirable. What is a good board supposed to do?** [page 1]

*Congratulations! You've not only been reading your Trustee Training Tips, but obviously trying to apply what you've learned to your library situations. And you are correct to wonder if this is a contradiction. It is not, however. In the earlier edition, we did indeed stress the need for independent thought and encourage trustees to speak their mind—until the board voted on an issue and then to speak with one voice. This edition, however, is striving to help those boards that have unproductive dissension understand that they must resolve the conflict(s) and move on. To answer your question, a good board welcomes diverse viewpoints on issues during discussion, speaks with one voice after a decision is final, and nips in the bud any attempt by disgruntled members to stagnate business or hold the library hostage until personal egos are stroked.*

- 2. How do we trustees know if our director has given us a legal policy for complying—or not—with the USA PATRIOT Act?** [pages 2-3]

*You will have noticed a common denominator in the Before, During, and After phases—contact your local legal counsel. It might help your attorney understand the unique position the public library has with its commitment to patron privacy (upheld by three Attorneys General of Kentucky) by suggesting she contact ALA. A visit to their web site might suffice.*

- 3. The USA PATRIOT Act sounds very complicated and best left to the director. Why do we need to involve support staff with this?** [pages 2-3]

*First of all, this is a slightly tricky question. You, as trustees, don't need to be the ones involving staff. What you do need to accept responsibility for is making sure your director is involving his staff. Why? Because your director isn't there every single minute the library is open to field all the questions or requests. Because the best written policy in the world isn't worth the paper it's written on if the staff member who receives the request doesn't know what to do. Because far more problems and liabilities arise from actions based on knowing too little instead of too much. Because one never knows which staff member may be approached with a request. Because every single staff member needs to be keeping what data they are allowed to keep in connection with this Act for sharing with the larger library community via ALA.*

- 4. What happens if we are in "violation" of Kentucky's new Public Library Standards?** [page 3]

*Nothing, as meeting these Standards is 100% voluntary. However, do you want your library to be less than minimum? How do you know? Well, here's your measuring stick.*

- 5. Can one trustee remain president of the board for 7 years?** [page 4]

*Yes. There are no limits on how long one person can hold an officer position. As long as one is a legal board member, she may stay in an office until the board elects a different legal trustee. Elections must be held every two years (KRS 173.040; 173.500; 173.735) but trustees may succeed themselves indefinitely.*